

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

IN THE MADISON SUPERIOR COURT

CAUSE NO. 48D03-0609-PL-820

STATE OF INDIANA,)

Plaintiff,)

v.)

KWAME S. SMITH,)
individually and doing business as)
HIPHOPJEWELRY.COM,)

Defendant.)

CONSENT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Defendant, Kwame S. Smith, individually and doing business as Hiphopjewelry.com, hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues raised by the State of Indiana and avoid further litigation. This Consent Judgment does not constitute an admission by the Defendant of any wrongdoing, nor shall it be construed as an abandonment by the Attorney General of his position the Defendant violated Indiana's Deceptive Consumer Sales Act. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

JURISDICTION, SCOPE OF JUDGMENT, AND ACKNOWLEDGMENTS

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

2. The State of Indiana's Complaint for Injunction, Restitution, Costs, and Civil Penalties states a cause of action pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*

3. At all times relevant to this Complaint, the Defendant, Kwame S. Smith, was regularly engaged in the sale of items via the Internet from his principal place of business in Madison County, located at 5839 Dr. Martin Luther King Jr. Boulevard, Apartment 5, Anderson, Indiana 46103.

4. The Defendant acknowledges he has been advised the Attorney General's role in this matter is to serve as counsel for the State of Indiana and the Office of the Attorney General has not given the Defendant any legal advice regarding this matter. The Defendant expressly acknowledges the Office of the Attorney General has previously advised the Defendant to secure legal counsel prior to entering into this Consent Judgment for any legal advice the Defendant requires.

RELIEF ORDERED

5. The Defendant is permanently enjoined from engaging in the following acts and making, causing to be made, or permitting to be made the following representations:

- a. representing expressly or by implication the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;
- b. representing expressly or by implication, the Defendant is able to deliver or complete the consumer transaction within a stated period of time, or when no time period is stated, within a reasonable period of time, when the Defendant knows or should reasonably know he cannot; and
- c. representing expressly or by implication the consumer will be able to purchase the subject of the consumer transaction as advertised by the Defendant, if the Defendant does not intend to sell it.

6. The Defendant's contract with Consumer Tabitha Crittneon is hereby cancelled pursuant to Ind. Code § 24-5-0.5-4(d).

7. Pursuant to Ind. Code § 24-5-0.5-4(c)(2), the Defendant shall pay consumer restitution in the amount of Fifty-Nine Dollars (\$59.00) to the Office of the Attorney General, on behalf of Tabitha Crittneon of Soddy Daisy, Tennessee.

8. The Defendant shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5 -0.5-4(c)(3), the amount of Five Hundred Dollars (\$500.00), representing the Plaintiff's costs of investigating and prosecuting this action.

9. The Defendant shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(g) and Ind. Code § 24-5-0.5-8, the amount of Five Thousand Dollars (\$5,000.00), representing civil penalties for the Defendant's knowing and intentional violations of the Deceptive Consumer Sales Act.

10. The Defendant shall not engage in business as a supplier of goods via the Internet, until the monetary provisions of this judgment are fully satisfied. Furthermore, the Defendant shall not resume business as an employee, individual, owner, principal, or investor in any subsequent business or corporation engaged in business as a supplier of goods via the Internet, until the monetary provisions of this judgment are fully satisfied.

11. A total monetary judgment in the amount of Five Thousand Five Hundred and Fifty-Nine Dollars (\$5,559.00) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendant, Kwame S. Smith.

12. The Defendant shall cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives. This shall include, but is not limited to, the Defendant promptly resolving valid consumer complaints brought to the Defendant's attention by the Office of the Attorney General, either prior to, or after the filing of, this Consent Judgment with the Court.

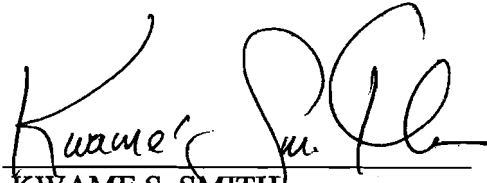
CONTINUING JURISDICTION

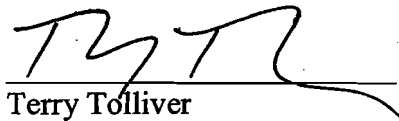
13. For the purpose of enforcing the provisions of this Consent Judgment, any subsequent Court obtaining jurisdiction over the Defendant based upon a complaint alleging a violation of any law that is the subject of this Consent Judgment may take judicial notice of this Judgment. The Defendant waives any objection regarding a

Court's jurisdiction to punish for contempt and agrees to appear upon proper notice of a failure to comply with any of the provisions of this Judgment.

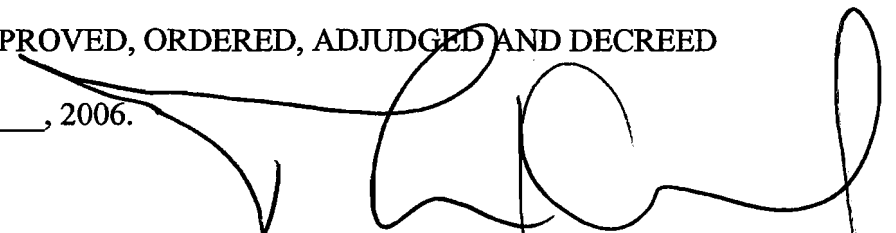
IN WITNESS WHEREOF, the parties have executed this Consent Judgment this 29th day of August, 2006.

STATE OF INDIANA
STEVE CARTER
Indiana Attorney General


KWAME S. SMITH
individually and doing business as
HIPHOPJEWELRY.COM

by: 
Terry Tolliver
Deputy Attorney General
Attorney No. 22556-49er

ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED AND DECREED
this 29th day of August, 2006.


Judge, Madison Superior Court

Distribution:

Terry Tolliver
Office of the Attorney General
302 W. Washington St., IGCS 5th Floor
Indianapolis, IN 46204

Kwame S. Smith
5839 Dr. Martin Luther King Jr. Blvd., Apt. 5
Anderson, IN 46013

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CLERK OF COURT
JUDICIAL DEPARTMENT